



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 11-1231

Released: July 25, 2011

**3650-3700 MHz BAND POWER LIMIT AND REGISTRATION REQUIREMENTS:
COMMENT INVITED ON CHEVRON USA WAIVER REQUEST FOR OPERATIONS IN
OFFSHORE FEDERAL AND STATE WATERS OF THE GULF OF MEXICO AND ALASKA**

WT Docket No. 11-124

Comment Date: August 24, 2011

Reply Date: September 8, 2011

The Wireless Telecommunications Bureau (Bureau) seeks comment¹ on Chevron U.S.A. Inc.'s (Chevron's) request for waiver² of Part 90 rules for the 3650-3700 MHz (3650 MHz) band to permit operation of subscriber or "terminal" units above the power limit in the offshore Federal and State waters of the Gulf of Mexico and Alaska. Chevron also requests a waiver to allow offshore terminal units at temporary fixed locations to operate under the registration of their associated "master" station without having to register each station. We seek comment on Chevron's request.

Background. Terrestrial operations in the 3650 MHz band are licensed on a nationwide, non-exclusive basis, with all licensees registering their base and fixed stations in the Universal Licensing System (ULS) prior to beginning operation.³ Base and fixed stations are limited to 25 watts equivalent isotropically radiated power (EIRP) per 25 megahertz bandwidth, and the peak EIRP power density shall not exceed 1 Watt in any one-megahertz slice of spectrum.⁴ In addition, base and fixed stations may not be located within 150 km of specified grandfathered satellite earth stations unless the licensee(s) of the satellite earth station(s) and the 3650-3700 MHz licensee mutually agree on such operation.⁵ Fixed and base stations also may not be located within 80 km of specified Federal Government radiolocation facilities unless such operation is successfully coordinated by the Commission with the National Telecommunications and Information Administration.⁶ With respect to mobile and portable stations,

¹ See 47 C.F.R. §§ 1.3, 1.925.

² See Chevron USA, Application File No. 0003602351, as amended on Jan. 5, 2011, to attach an Updated Request for Waiver (Waiver Request) (available at: <http://wireless2.fcc.gov/UlsApp/ApplicationSearch/results.jsp?applSearchKey=applSearchKey2011620135467>).

³ 47 C.F.R. § 90.1307. See also Wireless Operations in the 3650-3700 MHz Band, ET Docket No. 04-151, WT Docket No. 05-96, *Report and Order*, 20 FCC Rcd 6502, 6513-14 ¶¶ 31-32 (2005) (*3650 MHz Order*), *recon. granted in part, Memorandum Opinion and Order*, 22 FCC Rcd 10421 (2007).

⁴ 47 C.F.R. § 90.1321(a).

⁵ 47 C.F.R. § 90.1331(a).

⁶ 47 C.F.R. § 90.1331(b). Registrations for some locations or facilities are subject to additional approvals such as Environmental Assessment, Quiet Zone, *etc.* Therefore, a registration is not complete until it is in "Accepted" status

operations are limited to 1 watt EIRP per 25 megahertz bandwidth, and the peak EIRP power density shall not exceed 40 milliwatts in any one-megahertz slice of spectrum.⁷ Mobile and portable stations may operate only if they can positively receive and decode an enabling signal transmitted by a base station.⁸ Mobile and portable stations that meet the Commission's requirements need not be registered⁹ and the Commission anticipated that such stations might be used "in a fixed mode" in the 3650 MHz band.¹⁰

Waiver Request. Chevron,¹¹ which holds a nationwide, non-exclusive license for the 3650 MHz band,¹² states that it is one of the world's largest energy companies with oil and natural gas exploration, production, pipeline transportation, refining, and marketing activities worldwide with extensive offshore exploration and production activities. Chevron adds that it is also one of the largest producers in the Gulf of Mexico with almost 700 total offshore structures, 3,000 employees and contractors working in the Gulf, and the largest leaseholder on the Gulf of Mexico Outer Continental Shelf. Chevron states that access to continuous, reliable communications in the harsh offshore environment is critical to safe and effective oil and natural gas exploration and production. To support its operations, Chevron operates an extensive offshore communications system including operations in the 3650 MHz band, which Chevron states are central to its communications plans for the Gulf of Mexico and other offshore exploration areas.¹³

Chevron seeks waiver of the power limit under Section 90.1321 for "uplink" units (which Chevron also refers to as "terminal" or "subscriber" units) to provide reliable service between Chevron's offshore base stations and other offshore terminal facilities by employing an additional 10 dBm of transmit EIRP for its terminal units.¹⁴ Chevron states that the net result would be a maximum total EIRP of 47 dBm within a 5 megahertz channel and that the limitations of this additional 10 dBm would apply to operations conducted pursuant to the granted waiver, including those within the 12 mile buffer coastal area under 47 C.F.R. § 27.6(a)(2), and other offshore area limits which are under FCC jurisdiction, such as the Gulf of Mexico Economic Area (EA). Chevron states that its proposed operation would not impact grandfathered earth stations because there are no such stations in either Alaska or the Gulf of Mexico and the nearest land-based FSS earth station is more than 400 kilometers removed from Chevron's entire Gulf of Mexico operations.¹⁵ Regarding other fixed facilities that may arise in new offshore exploration areas, Chevron states that it will, among other things, not locate a transmitter within offshore areas subject to

and the nationwide license is updated on ULS. *See* Wireless Telecommunications Bureau Announces Start Date for Licensing and Registration Process for the 3650-3700 MHz Band, *Public Notice*, 22 FCC Rcd 19802, 19805, n. 17 (WTB 2007) (*Public Notice*).

⁷ 47 C.F.R. § 90.1321(c).

⁸ 47 C.F.R. § 90.1333(a).

⁹ *3650 MHz Order*, 20 FCC Rcd at 6514 n. 54. *See also id.* at 6521 ¶¶ 51-52 (mobile station operations and power). *See also* Wireless Telecommunications Bureau Announces Start Date for Licensing and Registration Process for the 3650-3700 MHz Band, *Public Notice*, 22 FCC Rcd 19802, 19805 (mobile and portable stations are not registered but may only operate if they can positively receive and decode an enabling signal transmitted by a registered base station) *citing* 47 C.F.R. § 90.1333 (WTB 2007).

¹⁰ *3650 MHz Order*, 20 FCC Rcd at 6514 n. 54.

¹¹ Chevron states that it is a subsidiary of Chevron Corporation. *See* Waiver Request at 1. For convenience and brevity only, we refer to Chevron and Chevron Corporation interchangeably herein.

¹² *See* Call Sign WQHV404.

¹³ Waiver Request at 2.

¹⁴ *Id.*

¹⁵ *Id.* at 3-4.

FCC jurisdiction, that operate at the higher proposed output power and are located in a direction that is within the 10 dB beamwidth¹⁶ of the transmitting antennas main beam at a distance of no less than 265 kilometers away from these facilities. According to Chevron, this will afford the same level of interference protection based on field intensity.¹⁷ Regarding Federal Government radiolocation facilities, Chevron notes that two of the three facilities are located near the Gulf of Mexico (one in Pascagoula, MS, and one in Pensacola, FL). Chevron states that it will in addition to the 80 km limit, not locate a transmitter within offshore areas subject to FCC jurisdiction, that operate at the higher proposed output power and are located in a direction that is within the 10 dB beamwidth of the transmitting antennas main beam at a distance of no less than 145 kilometers away from these facilities. According to Chevron, this will afford the same level of interference protection based on field intensity.¹⁸

Chevron also seeks a waiver of Section 90.1307 to permit operation of temporary fixed terminal transmitters under the registration of an associated master station, without independent registration of the temporary fixed site.¹⁹ Chevron proposes to indicate on each fixed master station registration the number of temporary fixed units associated with that station. In addition, Chevron will limit temporary fixed units to communications only with an associated master station, not with other temporary fixed units. Temporary fixed units will not operate while in motion. Chevron states that the distance from the master station that temporary fixed units could operate would necessarily be limited by the usable contour of the registered fixed site. Chevron's explains that its 3.65 GHz band operations include the use of terminal units on vessels, such as lift/jack-up boats, operating from temporary fixed locations to communicate with a registered, fixed base location on an offshore platform and that these units serve mission critical functions for Chevron's offshore operations, including use in hurricane recovery efforts.²⁰ Due to the transient nature of these operations and the number of temporary fixed units potentially in operation in the Gulf at any one time, Chevron is concerned by the significant administrative expense, delay and inconvenience associated with maintaining and updating the Commission database with specific geographic coordinates and technical information for each temporary fixed unit.²¹

Procedural Matters

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the *ex parte* rules.²² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all

¹⁶ By 10 dB beamwidth, we assume that Chevron is referring to the angle at which the power of transmitted signal will drop to 10 dB below the power of the transmitted signal at the bore-sight of the antenna.

¹⁷ Waiver Request at 3-4.

¹⁸ *Id.* at 4.

¹⁹ *Id.* at 6-8.

²⁰ *Id.* at 7.

²¹ *Id.* For transmitters operating above the power limit of Section 90.1321, Chevron commits to certain minimum distance protect other fixed facilities that may arise in new offshore exploration areas. See text accompanying notes 16-16, *supra*. For "temporary fixed" transmitters that also exceed the power limit, we assume that Chevron is committing to so protect other fixed facilities that may arise in new offshore exploration areas prospectively, *i.e.*, before operating (or resuming the operation of) an unregistered, "temporary fixed" transmitter pursuant to the requested waiver.

²² 47 C.F.R. § 1.1200 *et seq.*

data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Comments on the request are due no later than the Comment Date listed on the first page and reply comments are due no later than the Reply Date listed on the first page of this public notice. All filings should reference the docket number of this proceeding, which is listed on the first page of this public notice.

Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.²³ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and one copy of each filing.²⁴ If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Parties are strongly encouraged to file comments electronically using the Commission's ECFS. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

²³ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11,322 (1998).

²⁴ See 47 C.F.R. § 1.51(c).

Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents filed in the docket will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. S.W., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, (202) 488-5300, (202) 488-5563 (fax), (202) 488-5562 (TTY), e-mail fcc@bcpiweb.com. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Peter Daronco, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-7235 (voice), (202) 418-0432 (TTY), or by e-mail at peter.daronco@fcc.gov.

By the Chief, Broadband Division, Wireless Telecommunications Bureau.

- FCC -